

#### **IV. REMARKS**

In the Office Action, request was made to remove the extraneous material following the Abstract. In this response, page 12 is amended by canceling the one-line paragraph "Figure 3 for publication" following the Abstract.

Claim 10 was rejected under 35 U.S.C. 101 because of non-statutory subject matter. Claim 10 is amended to describe statutory subject matter.

Claims 1-10 were rejected under 35 U.S.C. 102 as being anticipated by Comerford (US 6,748,361) for reasons set forth in the Office Action.

With respect to the rejections under 35 U.S.C. 102, the independent claims 1 and 5 are amended, and the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, thereby to overcome the rejections and to show the presence of allowable subject matter in the claims.

As may be seen in the following argument, patentability is not based on the terminology "portable communication device" but applies generally to a "device" whether or not it is portable, and whether or not the primary function is for communication. Accordingly, in the independent claims 1 and 5, the term "portable communication device" is changed to "device". However, in the dependent claims 5 and 8, the term "portable communication device" is restored to show that the claimed subject matter specifically includes the portable communication device.

The passages cited by the examiner in the rejections based on Comerford, particularly the paragraph linking columns 5 and 6 for rejecting claim 1, teaches a device that can execute a calendar program, addressed by a user through a keyboard and/or a stylus. The examiner then relies on this teaching of Comerford (Office Action, near the bottom of page 4) to anticipate the claimed step of "deciding to notify a user, based at least in part on a comparison between said time of notification and current time".

However, there is no specific teaching in Comerford of a step of comparing a time of notification with the current time. In the practice of the present invention, the insertion of time in the message, and the subsequent comparing of the times, prior to the steps of deciding to notify a user and obtaining an audio signal, constitute a significant feature of the presently claimed subject matter. The order of these steps is shown in present Fig. 3, and is discussed further in the specification on page 8 at lines 6-10 wherein, in the practice of the synthesizing step 307, the speech synthesis module 117 (Fig. 1) is employed. This is more than setting an alarm clock to play a certain music at a prescribed time, which is all that can be learned from the cited passage in Comerford dealing with a calendar-of-appointments program.

Possibly the examiner is treating the time-comparison step as implied but not specifically called for in the language of claim 1. Accordingly, claim 1 is amended to specifically call forth the step of "comparing said time of notification and current time", and to refer back to this time-comparing step in the following two steps of the claim.

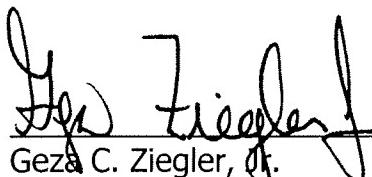
The examiner rejects independent claim 5 based on a citation of the same passages in Comerford. The argument provided above against the rejection of claim 1 is believed to apply also to overcoming the rejection of claim 5. Accordingly, claim 5 is amended in corresponding fashion to the amendment of claim 1. Therefore, it is urged that amendments to both of claims 1 and 5 are believed to overcome the rejections of these claims so as to secure allowance of claims 1 and 5 as well as allowance of their respective dependent claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the

Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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Reg. No. 44,004

7 June 2007  
Date

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I hereby certify that this correspondence is being transmitted electronically, on the date indicated below, addressed to the Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 7 June 2004

Signature: Ley Blue  
Lisa Shimizu  
Person Making Deposit